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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,821	05/09/2006	Masami Takahashi	40325	5155
52054 7590 08/21/2007 PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			EXAMINER BLACKMAN, ROCHELLE ANN J	
			ART UNIT 2862	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,821	<b>Applicant(s)</b> TAKAHASHI ET AL.	
	<b>Examiner</b> Rochelle Blackman	<b>Art Unit</b> 2862	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/9/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

This application cannot receive 371 status at this time because there is no Notice of Acceptance of Application under 35 U.S.C 371 and 37 CFR 1.495 of record.

### ***Information Disclosure Statement***

The information disclosure statement filed May 9, 2006 has been partially considered because it fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document.

### ***Drawings***

Figure 8-10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nemoto (JP Patent No. 2002-156702).

Regarding claim 1, Nemoto discloses a monitor camera (see Drawings 1-7) comprising: a shooting window member (for example, see 3b of Drawings 1-3); a hold-down portion (see 10 of Drawings 1 and 3) having an outer surface which is flush with or stepped back from an outer surface of the shooting window member (see position of 10 and 10a relative to 3b and 3c in Drawing 3), the hold-down portion engaging with the shooting window member with a surface perpendicular to the direction of the thickness of the shooting window member (see surface of 10 that is parallel and adjacent to element 2a and perpendicular to the direction of thickness of 3b in Drawing 3); and a holding portion (see body of 1 in Drawings 1-3) engaging with the shooting window member and the hold-down portion.

Regarding claim 2, Nemoto discloses the monitor camera according to claim 1, wherein the holding portion comprises a holding member (see surface of 1 immediately adjacent and holding elements 2a and 7 in Drawing 3) and an annular member (see 2a of Drawing 3) mounted to the holding member and engaging with the shooting window member (see 3a, 3b engaging 2a in Drawing 3).

Regarding claim 3, Nemoto discloses the monitor camera according to claim 2, wherein a shooting window assembly is configured in a state in which the annular member and the shooting window member are engaged (see 3a, 3b engaging 2a in Drawing 3).

Regarding claim 4, Nemoto discloses the monitor camera according to claim 1, wherein the shooting window member is configured by a first plate-shaped member (see 3b of Drawings 1-3) and a second plate-shaped member (see section of 2a that is not shaded and has 7 attached thereto in Drawing 3) having a size smaller than that of the first plate-shaped member being bonded together, and wherein the shooting window member engages with the hold-down portion at a portion of the first plate-shaped member protruded from the second plate-shaped member (see where 3b engages with 10, 10a in Drawing 3).

Regarding claim 5, Nemoto discloses the monitor camera according to claim 1, wherein the shooting window member is held by the holding portion by caulking (see paragraph [0002] and [0015]).

Regarding claim 6, Nemoto discloses a monitor camera (see FIGS. 1-7) comprising: a shooting window member (for example, see 3b of Drawings 1-3); and a holding portion (see body of 1, 2a, and 10 of Drawing 3) having an outer surface which is flush with or stepped back from an outer surface of the shooting window member and holding the shooting window member (see outer surface of 10 flushed with the outer

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surface of 3b in Drawing 3 and/or see 10a relative to 3b in Drawing 3), wherein the shooting window member is bonded to the holding portion (see paragraph [0015]).

Regarding claim 7, Nemoto discloses a monitor camera (see FIGS. 1-7) comprising: a shooting window member (for example, see 3b of Drawings 1-3); and a holding portion (see body of 1, 2a, and 10 of Drawing 3) having an outer surface which is flush with or stepped back from an outer surface of the shooting window member and holding the shooting window member (see outer surface of 10 flushed with the outer surface of 3b in Drawing 3 and/or see 10a relative to 3b in Drawing 3), wherein the shooting window member is integrally formed with the holding portion (10 is integrally formed with 3b in Drawing 3).

2. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Wasada (JP Patent No. 2003-043567).

Regarding claim 6, Wasada discloses a monitor camera (see Drawings 1-4) comprising: a shooting window member (see 20 of Drawings 1 and 2); and a holding portion (see 18 of Drawing 2) having an outer surface which is flush with or stepped back from an outer surface of the shooting window member and holding the shooting window member (see 20 relative to 18 in Drawing 20), wherein the shooting window member is bonded to the holding portion (see paragraph [0014]).

Regarding claim 7, Wasada discloses a monitor camera (see Drawings 1-4) comprising: a shooting window member (see 20 of Drawings 1 and 2 and 4 of Drawing 4); and a holding portion (see 18 of Drawing 2 and body of 1 in Drawing 4) having an

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outer surface which is flush with or stepped back from an outer surface of the shooting window member and holding the shooting window member (see 20 relative to 18 in Drawing 2 and see 4 relative to the body of 1 in Drawing 4), wherein the shooting window member is integrally formed with the holding portion (20 is integrally formed with 18 in Drawing 3 and 4 is integrally formed with the body of 1 in Drawing 4).

3. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (JP Patent No. 2003-040034).

Regarding claim 7, Ito discloses a monitor camera (see Drawings 1-6) comprising: a shooting window member (see 10a and 10b of Drawings 1-6); and a holding portion (see 20 of Drawings 1-6) having an outer surface which is flush with or stepped back from an outer surface of the shooting window member and holding the shooting window member (see outer surface of 20 relative to outer surface of 10a and 10b in Drawing 6), wherein the shooting window member is integrally formed with the holding portion (10a and 10b are integrally formed with 20 in Drawing 6).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Elberbaum (U.S. Patent No. 6,678,001), Ball Shaped Camera Housing with Simplified Positioning: see FIGS. 1-6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rochelle Blackman whose telephone number is (571) 272-2113. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on (571) 272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Rochelle Blackman', with a long, sweeping horizontal line extending to the right.

Rochelle Blackman  
Patent Examiner